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Attorneys for Plaintiff, *COREY GERWASKI*

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 COREY GERWASKI,)	
)	
13 Plaintiff,)	CASE NO. 2:24-cv-00985
)	
14 vs.)	
)	
15 STATE OF NEVADA, ex rel. BOARD)	
16 OF REGENTS of the NEVADA SYSTEM)	
OF HIGHER EDUCATION, on behalf)	OPPOSITION TO AJP FOUNDATION
17 of the UNIVERSITY OF NEVADA)	INC.'S MOTION FOR
18 LAS VEGAS; KEITH WHITFIELD)	ATTORNEY'S FEES AND COSTS AND
individually; AJP EDUCATIONAL)	STATUTORY AWARD (ECF 75)
19 FOUNDATION INC., a California)	
Non-Profit Corporation; STUDENTS FOR)	
20 JUSTICE IN PALESTINE-UNLV;)	
NATIONAL STUDENTS FOR JUSTICE)	[ORAL ARGUMENT REQUESTED]
21 OF PALESTINE; NEVADANS FOR)	
22 PALESTINIAN LIBERATION;)	
DOES I-XX and ROE entities I-XX,)	
23 DEFENDANT(S), an Individual/LLC/Corp;)	
DOE Nevada corporation; DOE Individuals)	
24 I-XX; ROE Entities, I-XX,)	
)	
25 Defendants.)	
)	

1 COMES NOW, Plaintiff, COREY GERWASKI (“Mr. Gerwaski”), by and through his
2 attorneys of record, DAVID Z. CHESNOFF, ESQ., RICHARD. A. SCHONFELD, ESQ., and
3 ROBERT Z. DEMARCO, ESQ., of CHENSNOFF & SCHONFELD, and files this Opposition to
4 AJP EDUCATIONAL FOUNDATION, INC’S Motion for Attorney’s Fees and Costs and Statutory
5 Award Pursuant to NRS 41.670.
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7 This Opposition is made and based upon the papers and pleadings on file herein, the
8 attached Memorandum of Points and Authorities, and any oral argument that may be heard.

9 DATED this 2nd day of June 2025.

10 Respectfully Submitted:

11 CHESNOFF & SCHONFELD

12 By: Robert Z. DeMarco
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MEMORANDUM OF POINTS AND AUTHORITIES

I. DEFENDANT AJP EDUCATIONAL FOUNDATION, INC’S MOTION FOR ATTORNEY’S FEES AND COSTS AND STATUTORY AWARD SHOULD BE DENIED.

AJP EDUCATIONAL FOUNDATION, INC’S request for attorney’s fees and costs should be denied in its entirety. While this Honorable Court granted the anti-SLAPP Motion to the extent it dismissed Plaintiff’s claim for intentional infliction of emotional distress (IIED), Plaintiff has objected and reserves all rights to address further, including on appeal if necessary. This Honorable Court granted Plaintiff leave to amend his Complaint, and Plaintiff has substituted in new counsel in light of prior counsel’s recent appointment. Furthermore, while Defendant argues the IIED claim was frivolous, Plaintiff set forth the claim in detail in his First Amended Complaint and the Order should have been without prejudice. It was alleged that AJP EDUCATIONAL FOUNDATION, INC’S, through its conduct and organization, supports Hamas, a designated Foreign Terrorist Organization (“FTO”) in the United States.¹ AJP EDUCATIONAL FOUNDATION, INC. assisted and served Hamas in soliciting, inciting, and encouraging students and faculty at UNLV to engage in harassment of Jewish students, such as Plaintiff at the university. This has caused Plaintiff severe emotional distress.

Notwithstanding the coordination with Defendants NSJP, AMP, and other organizations to obstruct, harass and intimidate Jewish students such as Mr. Gerwaksi, and specifically Mr. Gerwaksi, AJP EDUCATIONAL FOUNDATION *knowingly* used or permitted the use of funds raised by a solicitation of contributions and manpower to provide support to terrorists, terrorist organizations and terrorist activities.²

¹ See generally 8 U.S.C. § 1189; Compare with U.S. Department of State Bureau of Counterterrorism Designated Foreign Terrorist Organizations available at <https://www.state.gov/foreign-terrorist-organizations/>.

² See also *Holder v. Humanitarian Law Project*, 130 S. Ct. 2705, 2710–2711 (“[D]esignated foreign terrorist organizations do not maintain organizational firewalls between social, political, and terrorist operations, or financial firewalls between funds raised for humanitarian activities and those used to carry out terrorist attacks.”). Section 2339(b) prohibits providing a service to a foreign terrorist organization. The use of the word “to” indicates a connection between the service and the foreign group. See Merriam-Webster’s Dictionary (2025) (defining “service” to mean: “a helpful act”; or “useful labor that does not produce a tangible commodity”; or “an administrative division”

1 Significantly, SJP-UNLV has also conceded that a “motion to dismiss pursuant to NRS
2 41.660 is typically restricted to Nevada state law claims, and Plaintiff’s IIED claim is the only claim
3 asserted against SJP UNLV pursuant to state law.” *See* ECF 61 at p. 15, n. 14. As such, said
4 Defendants’ attempts to portray the Motion as one that sweepingly dismissed the entire case is
5 misplaced.

6 It is also respectfully submitted that the Court erred in granting the underlying Motion, as
7 there were factual disputes and discovery has not even commenced. As such, it is respectfully
8 submitted that the IIED claim should not have been subject to dismissal under Nevada’s anti-
9 SLAPP statute at this pleadings stage. *See* Nev. Rev. Stat. § 41.660(3)(a)–(b). *See, e.g., Nano*
10 *Found., Ltd. v. Silver*, No. 2:19-cv-04237-SVW-PJW, 2019 WL 6723428, at *2 (C.D. Cal. Aug. 20,
11 2019) (citing *Planned Parenthood*, and explaining that a defendant claiming its statements were
12 truthful, and thus within the protection of California’s anti-SLAPP statute, created a factual issue
13 requiring consideration under Federal Rule of Civil Procedure 56).

14 Here, it is respectfully submitted that the underlying Motion is at best premature (as stated
15 above Plaintiff has been granted leave to amend his Complaint) and the issue of attorney’s fees and
16 costs should be deferred. The requested fees and costs (and time expended) are also unreasonable.
17 Moreover, the statutory request should be denied and is not warranted. Plaintiff is a UNLV student
18 and has set forth detailed facts in his Complaint. This Honorable Court is permitting Plaintiff’s
19 claims to move forward, in part, against the parties (the Court has granted leave to amend) and
20 Plaintiff’s claims are brought in good faith.

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28 A person of ordinary intelligence would understand that independently advocating for a cause is
different from providing a service to a group that is advocating for that cause.

1 **II. CONCLUSION**

2 Mr. Gerwaski respectfully requests that this Honorable Court deny AJP EDUCATIONAL
3 FOUNDATION, INC'S Motion for Attorney's Fees and Costs and Statutory Award in its entirety.

4 DATED this 2nd day of June 2025.

5 Respectfully Submitted:

6 CHESNOFF & SCHONFELD

7 By: Robert Z. DeMarco

8 DAVID Z. CHESNOFF, ESQ.

9 Nevada Bar No. 2292

10 RICHARD A. SCHONFELD, ESQ.

11 Nevada Bar No. 6815

12 ROBERT Z. DEMARCO, ESQ.

13 Nevada Bar No. 12359

14 Counsel for Plaintiff, *COREY GERWASKI*

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b), I hereby certify that a copy of the foregoing document was electronically filed with the Clerk of the Court to be served by the Court's electronic filing system on all counsel of record.

DATED this 2nd day of June, 2025.

/s/ Robert Z. DeMarco
Employee of Chesnoff & Schonfeld